IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11465 of 2004

Between:

1 Smt. Pilla Jayalakshmi, W/o Prabhakara Rao,
R/o D.No. 15-17-1, Gavarapalem, Anakapally,
Visakhapatnam District.
2 Pilla Chakravarthi, s/o Prabhakara Rao,
R/o Plot No. 149/3, Sitammadhaa, Visakhapatnam

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep. by its Secretary,
Revenue (Endowments-1), Secretariat, Hyderabad.
2 Shri Varaha Lakshmi Narasimha Devasthanam, Simhachalam,
Visakhapatnam, rep. by its Executive Officer.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction, more particularly, one in the nature of Writ of Mandamus declaring the action of the respondents in not regularizing the petitioners' occupation of the land in an extent of 666-66 square yards and 578 square yards situated in Survey No. 275/ID, Adavivaram Village, Chinagadili mandal, Visakhapatnam District, as arbitrary, illegal and unconstitutional and grant such other necessary relief or reliefs

For the Petitioners: MR.K.RATNAM, Advocate

For the Respondent No.1 : GP FOR REVENUE

For the Respondent No.2 : Sri M. ADINARAYANA RAJU, Advocate

The Court made the following ORDER:

This writ petition is filed by the petitioners, who are 2 in number, seeking *mandamus* declaring the action of the respondents in not regularizing their occupation of land in an extent of 666.66 square yards and 578 square yards situated in Survey No.275/1D, Adavivaram village, Chinagadili Mandal, Visakhapatnam District, as illegal, arbitrary and unconstitutional and sought for a direction for regularization.

2. According to the petitioners, they have been in possession of the above mentioned property, having acquired the rights in the said property under registered gift deeds dated 04.12.1999 and 03.12.1999. It is also stated that the petitioners applied for sanction of the plan for the construction of pucca building in the place of old thatched house. The Gram Panchayat officials, however, informed that the second respondent is claiming ownership over the entire land in Adivavaram village and surrounding villages and, therefore, directed the petitioners to approach the second respondent. It is also stated that on enquiry the petitioners came to know that similarly situated persons have approached this Court challenging the action of the second respondent, when the second respondent tried to dispossess them and as per the directions of this Court, Government issued orders for regularization to the extent of the lands held by the persons, who are having pattas and long standing possession by collecting reasonable amounts. The said orders were issued by the Government in G.O.Ms.No.578 Revenue (Endowments-IV) dated 19.08.2000 prescribing the guidelines. It is stated that the petitioners also made applications to the second respondent on 26.06.2004, which is also evidenced by the acknowledgment filed before this Court in the material papers. But, however, the respondents did not pass any orders. Therefore, the petitioners have come up with

the present writ petition.

3. Heard learned counsel for the petitioners and learned Standing Counsel for the second respondent.

4. According to the petitioners, they have been in possession of the land in question since their ancestors having constructed their houses and residing in the same. Therefore, the petitioners made an application to the second respondent in the light of the guidelines issued by the Government for regularization of the occupation by collecting the amounts as stipulated by the Government. In accordance with the said guidelines, the petitioners made applications on 26.06.2004 and the same are pending with the second respondent and therefore sought for a direction to the second respondent to pass appropriate orders in the light of the guidelines.

5 . Under the above circumstances, the writ petition is disposed of directing the second respondent to dispose of the representations of the petitioners dated 26.06.2004 for regularization of the land in their occupation in the light of the guidelines issued by the Government in G.O.Ms.No.578 dated 19.08.2000 expeditiously, preferably within a period of two months from the date of receipt of a copy of this order. Pending passing of the orders on the above representations of the petitioners, the respondents are directed not to dispossess the petitioners.

07.07.2004

Note: Furnish CC in 3 days

B/o

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To
1 The Secretary, Revenue (Endowments-1), Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The Executive Officer, Shri Varaha Lakshmi Narasimha Devasthanam, Simhachalam, Visakhapatnam.

3 Two CD Copies